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19 Attorneys for Defendants  
20 Tinney Construction Corporation, Aidan Tinney  
21 and Christy Tinney

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TRAVELERS CASUALTY AND  
SURETY COMPANY OF AMERICA,

Plaintiff,

v.

TINNEY CONSTRUCTION  
CORPORATION, AIDAN TINNEY,  
CHRISTY TINNEY,

Defendant.

CASE NO. C 05 1417

**STIPULATION RE CASE STATUS**

Plaintiff Travelers Casualty and Surety Company of America ("Travelers") and defendants Tinney Construction Corporation, Aidan Tinney, and Christy Tinney (collectively the "Defendants") (Travelers and Defendants are hereinafter collectively referred to as the "Parties"), respectfully advise this Court as to the status of this matter and stipulate as follows:

1. At the January 13, 2006 case management conference in this matter, this Court ordered the Parties to mediation prior to the deadline for filing summary judgment motions (i.e., before

1 February 17, 2006). At that time, the Parties were instructed by the Court to await contact from  
2 the Court's ADR Department for scheduling the mediation. The Court's order in this regard  
3 instructed the parties to complete mediation, not referencing whether that mediation was to be  
4 conducted through the Court's ADR Department or, alternatively, private mediation.

5 2. After not receiving any communication from the Court's ADR Department, counsel for  
6 Travelers contacted the ADR Department in early February, 2006. At that time, the ADR  
7 Department notified counsel that it had not received the necessary "referral documents" for  
8 scheduling this matter for mediation. The ADR Department further notified counsel for Travelers  
9 that it was unable to schedule a mediation prior to the February 17, 2006 deadline for concluding  
10 same.

11 3. In response to the ADR Department's unavailability, and in order to comply with this Court's  
12 order to mediation, the Parties agreed to participate in a private mediation, which mediation was  
13 held on February 14, 2006. The Court's ADR Department was informed of the Parties' intent to  
14 privately mediate the matter. During the mediation, the Parties agreed to a settlement of all  
15 disputes in the instant litigation, and the Parties executed a written settlement agreement  
16 memorializing their settlement.

17 4. The Parties are in the process of finalizing the terms of the settlement agreement, including the  
18 preparation of documents which secure the obligations therein. The Parties intend to file the  
19 necessary notices with this Court upon finalization of the settlement documents. Accordingly, the  
20 Parties stipulate and respectfully request that the Court vacate the April 17, 2006 trial date in this  
21 matter, as the Parties will be filing in the immediate future (but in any event no later than April 17,  
22 2006) a stipulation and proposed order of dismissal, wherein the Court will retain jurisdiction for  
23 purposes of enforcing the Parties' written settlement agreement if necessary.

24 DATED: March 21, 2006 SEDGWICK, DETERT, MORAN & ARNOLD LLP

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By: /s/ Jennifer R. Beierle

Jennifer R. Beierle

Attorneys for Plaintiff

Travelers Casualty and Surety Company of America

1 DATED: March 21, 2006

MILLER, MORTON, CAILLAT & NEVIS LLP

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4 By: /s/ Stevan Adelman

5 Stevan Adelman

6 Attorneys for Defendants

7 Tinney Construction Corporation, Aidan Tinney and  
8 Christy Tinney

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10 SIGNATURE ATTESTATION: I, Jennifer R. Beierle, counsel for plaintiff Travelers Casualty  
11 and Surety Company of America, attest that concurrence in the filing of this document has been  
12 obtained by Stevan Adelman, Esq., counsel for defendants Tinney Construction Corporation,  
13 Aidan Tinney and Christy Tinney as set forth above.

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15 By: /s/ Jennifer R. Beierle

16 Jennifer R. Beierle

17 Attorneys for Plaintiff

18 Travelers Casualty and Surety Company of America

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